



*State of North Carolina*  
*Department of the Secretary of State*

ELAINE F. MARSHALL  
SECRETARY OF STATE

July 23, 2018

Speaker of the House Tim Moore  
Office of the Speaker  
16 West Jones St, Room 2304  
Raleigh, NC 27601  
By Email and Hand Delivery

President Pro-Tem Phil Berger  
Office of the President Pro-Tem  
16 West Jones St, Room 2007  
Raleigh, NC 27601  
By Email and Hand Delivery

Re: Representative David Lewis July 21, 2018 Letter

Dear Speaker Moore and President Pro-Tem Berger:

As you know, I have decades-long experience in chairing and organizing events that are key to North Carolina's historic official life. These include organizing our state's Electoral College every four years and convening the North Carolina Constitutional Amendments Publication Commission whenever the General Assembly puts one or more proposed amendments on our ballots for the voters of this state to consider. No matter how controversial the outcomes or topics were in those meetings - including some of the great controversies of our modern history - the record clearly shows that they all have been organized and chaired to the satisfaction of all parties.

That is why I was astonished this weekend to find out that Representative Lewis has cast aspersions on the upcoming meeting of the Constitutional Amendments Publication Commission. I gather from news articles and a letter from him that was made public, that he feels there are five problem areas causing him great concern. They seem to be the following:

- The August 6-10 deadline needing to be met for purposes of publishing ballots.
- A concern that unnamed "outside" political pressure groups are somehow pushing me or other members of the Commission to act in certain ways.
- A belief that the Commission is trying to hurt the chances of passage of the proposed amendments.
- A concern that the Commission would write captions on the ballots so long that it would cause them to run onto additional pages or hurt ballot readability.
- An assertion that the Commission has not done anything over the past month to prepare for its work.

I am addressing these stated concerns directly. First, as early as July 5<sup>th</sup>, in response to our inquiry, the Deputy General Counsel of the State Board of Elections and Ethics Enforcement (State Board) stated in writing the deadline for captions to be August 8, 2018 (see attached email). Accordingly,

the Commission scheduled a meeting on July 31<sup>st</sup> to provide simple and commonly used caption language well ahead of that deadline. Any assertion to the contrary is false. In fact, Representative Lewis's proposal for a special session will take much longer and cost the taxpayers a whole lot of money.

Second, I have had no outside groups or pressure tactics aimed at me or used against me. None. If either of the other two commissioners have received such pressure, they have not indicated such to me. In any case, I am publicly stating it has not happened to me.

Third, the Commission's job is not to promote or oppose proposed amendments. The Commission did not write these amendments and takes no position on them. It has not asked the voters to approve or reject them. In fact, it is the General Assembly that wrote them, approved them, and has now asked the voters to change our North Carolina Constitution by adding them. To illustrate the point, in his July 21 letter to Speaker Moore, Representative Lewis indicates his concern that the Commission will do something to "hurt the amendments' chances of passing". As I stated above, the Commission's work is neither to support nor oppose an amendment; its role is to simply explain the meaning to the voters.

Fourth, the Commission's statute directs it to write in simple and common language. That is specifically spelled out in our very mission. We also have a draft sample ballot that was provided by the State Board staff on July 19<sup>th</sup> that shows the proposed length saved for the ballot captions for the Commission to use as a guide. We have a well-recognized process the Commission has used in the past to achieve the simple and common language goal (see attached).

Fifth, any assertion that the Commission has not been at work over the past month is absolutely false. I am more than happy to explain the work that the Commission has been doing to build a transparent website related to the proposed amendments, to request public input on the summaries being written, and to schedule the meeting itself.

All of the needed elements are in place and the system is working well. We will adopt the captions well before the State Board's stated deadline. Any last minute proposals to have the General Assembly draft the captions will only delay the process and cost taxpayers unnecessary expense.

I can expand on any of the above information I have just shared in greater degree if that will help allay any remaining fears about the Commission's work. The bottom-line is the Commission is at work, it is accomplishing its assigned task, and it will produce the quickest solution to satisfy this year's ballot deadline.

Sincerely,



Elaine F. Marshall

Chair, Constitutional Amendments Publication Commission

Attachments

Cc: Members of the General Assembly (via email)